

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-21117 (NEW SERIES)

DATE OF FINAL PASSAGE AUGUST 9, 2019

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0205; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0402; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0420; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308 ALL RELATING TO THE PERMITTING OF WIRELESS COMMUNICATIONS FACILITIES.

§126.0205 Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

- (a) Findings for all Neighborhood Use Permits
 - (a1) The proposed *development* will not adversely affect the applicable *land use plan*;
 - (b2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
 - (e3) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.
- (b) Supplemental Findings --Wireless Communication Facilities
A Neighborhood Use Permit required in accordance with Section 141.0420(b)(3) may be approved or conditionally approved only if the

decision maker makes the following supplemental *findings* in addition to the *findings* required in Section 126.0205(a):

- (1) The proposed *wireless communication facility* does not interfere with the free and unobstructed use of the *public right-of-way*;
- (2) The proposed *wireless communication facility* will not adversely affect the aesthetic character of the community; and
- (3) The proposed *wireless communication facility* will not interfere with the City's ability to use the *public right-of-way*.

§126.0402 When a Neighborhood Development Permit Is Required

(a) through (l) [No change in text.]

(m) A Neighborhood Development *Permit* ~~Permit~~ is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds 250 square feet as described in Section ~~141.0420(g)(3)~~ 141.0420(e)(3), or that ~~contains~~ includes equipment enclosures not placed underground as described in Section ~~141.0420(i)(2)(g)(2)~~.

(n) A Neighborhood Development *Permit* ~~Permit~~ is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).

(o) through (p) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

**Table 131-02B
Use Regulations Table for Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >> 3rd >> 4th >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
		1-	2-	1-	1-		1-
		1	1	1	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]					
<i>Wireless Communication Facility Facilities:</i>		See Section 141.0420					
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>		L	L	-	L		L
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>		N	N	N	N		N
<i>Wireless communication facility in the public right-of-way with above ground equipment</i>		E	E	E	E		E
<i>Wireless communication facility outside the public right-of-way</i>		E	E	E	E		E

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-		OR ⁽¹⁾ -	
	3rd >>	1-	2-	1-		1-	
	4th >>	1	1	1	1	2	1
Retail Sales through <i>Signs</i> , Separately Regulated Signs Uses: Theater <i>Marquees</i> [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Institutional, Separately Regulated Institutional Uses , Solar Energy Systems [No change in text.]		[No change in text.]			
Wireless Communication Facility Facilities:		<u>See Section 141.0420</u>			
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L		L	
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N		N	
Wireless communication facility in the public right-of-way with above ground equipment		E		E	
Wireless communication facility outside the public right-of-way		E		E	
Retail Sales through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B
[No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>	RE-	RS-												RX-		RT-									
	3rd >>	1-	1-												1-		1-									
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5	
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]																								
Wireless Communication Facility_ Facilities÷		See Section 141.0420																								
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L		L												L		L								
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N		N												N		N								
Wireless communication facility in the public right-of-way with above ground equipment		E		E												E		E								
Wireless communication facility outside the public right-of-way		E		E												E		E								
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]											
Wireless Communication Facility Facilities±		See Section 141.0420											
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		E			E			E			E		E
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N			N			N			N		N
Wireless communication facility in the public right-of-way with above- ground equipment		E			E			E			E		E
Wireless communication facility outside the public right-of-way		E			E			E			E		E
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [No change in text.]

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-						CV-		CP-		
	3rd >>	1-					1-	2-	1-	2-		3-		1-	1-				
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses , Solar Energy Systems [No change in text.]		[No change in text.]																	
<i>Wireless Communication Facility Facilities</i> ÷		See Section 141.0420																	
<i>Wireless communication facility in the public right-of-way</i> with subterranean equipment adjacent to a non-residential use		L					L	L	L		L		L		L		L		
<i>Wireless communication facility in the public right-of-way</i> with subterranean equipment adjacent to a residential use		N					N	N	N		N		N		N		N		
<i>Wireless communication facility in the public right-of-way</i> with above-ground equipment		C					C	C	C		C		C		C		C		
<i>Wireless communication facility</i> outside the public right-of-way		L					L	L	L		L		L		L		L		
Retail Sales through Signs, Separately Regulated Signs Uses , Theater Marquees [No change in text.]		[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																																																		
	1st & 2nd >>	CC-																																																		
	3rd >>	1-			2-			3-			4-			5-																																						
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6																			
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]																																																		
Wireless Communication Facility Facilities:		See Section 141.0420																																																		
Wireless communication facility in the public-right-of-way with subterranean equipment adjacent to a non-residential use		L			L			L			L			L																																						
Wireless communication facility in the public-right-of-way with subterranean equipment adjacent to a residential use		N			N			N			N			N																																						
Wireless communication facility in the public-right-of-way with above ground equipment		C			C			C			C			C																																						
Wireless communication facility outside the public right-of-way		L			L			L			L			L																																						
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																																																		

Footnotes for Table 131-05B [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in the Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>> 3rd >> 4th >>	IP-			IL-			IH-		IS-	IBT-
		1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
		1	1	1	1	1	1	1	1	1	1
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]									
Wireless Communication Facility Facilities:-		See Section 141.0420									
Wireless communication facility in the public-right-of-way with subterranean equipment adjacent to a non-residential use		L	L	L	L	L	L	L	L	L	L
Wireless communication facility in the public-right-of-way with subterranean equipment adjacent to a residential use		N	N	N	N	N	N	N	N	N	N
Wireless communication facility in the public-right-of-way with above ground equipment		C	C	C	C	C	C	C	C	C	C
Wireless communication facility outside the public right-of-way		L	L	L	L	L	L	L	L	L	L
Retail Sales through Signs, Separately Regulated Signs Uses. Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 131-06B [No change in text.]

§141.0420 Wireless Communication Facilities

Wireless communication facilities are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations shall comply with the approval process set forth in Section 141.0420(a) through (c) as applicable to the development. All *Wireless wireless communication facilities* that do not comply with Section 141.0420(e)(1) or are in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) may also be permitted with a Neighborhood Use Permit, are subject to the general regulations in Section 141.0420(d), the general design requirements in Section 141.0420(e), and the *Wireless Communication Facilities* Guidelines in the Land Development Manual. Section 141.0420 does not apply to amateur (HAM) radio communication facilities. *Wireless communication facilities* may also be permitted with a Conditional Use Permit decided in accordance with Process Three, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), except that *wireless communication facilities* in areas-

described in Section 141.0420(f) may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

- (a) The following uses are exempt from the provisions of Section 141.0420:
 - (1) Amateur (HAM) radio facilities.
 - (2) One single dish *antenna* 24 inches or less in diameter or one remote panel *antenna* 24 inches or less in length and width, except when associated with a *wireless communication facility*.
- (b) General Rules for Wireless Communication Facilities
 - (1) Every application for a permit shall include documentation, satisfactory to the City Manager:
 - (A) That the *wireless communication facility* complies with federal standards for radio frequency radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies, and
 - (B) Describing the location type, capacity, field strength or power density and calculated geographic service of the *wireless communication facility*.
 - (2) *Wireless communication facilities* shall be maintained in a graffiti-free condition.
 - (3) Prior to January 31 of every calendar year, each *wireless communication facility* provider shall submit documentation, satisfactory to the City Manager, identifying the location of each *wireless communication facility* in its City of San Diego network. The documentation shall include *wireless communication facilities* that are approved, but not yet built, *wireless communication facilities* that are currently operating and locations containing non-operating *wireless communication facilities*.
 - (4) If the permit(s) for any *wireless communication facility* includes an expiration date, upon expiration of the permit, the facilities and improvements authorized therein shall be removed from the site by the owner of such facilities and improvements, and said owner shall restore the property to its original condition, all at the owner's or permittee's sole cost and expense. In addition, the owner or permittee shall, at its sole cost and expense, remove or replace any *wireless communication facility* if the City Manager determines that the facility or components of the facility are non-operational or no longer used. If the owner or permittee does not remove such facilities and restore the property as required herein, the City may remove the facilities and restore the property at the cost and expense of the owner or permittee, jointly and severally.
 - (5) Coastal Development Permit. Within the coastal overlay zone, the coastal development permit regulations, beginning with Section 126.0701 of the Land Development Code, shall also apply.

(ea) Limited Use Regulations

- (1) Wireless communication facilities are permitted as a limited use subject to the following regulations decided in accordance with Process One as follows:
 - (A) ~~Except as provided in Section 141.0420(d), *wireless communication facilities* in Industrial Zones.~~
 - (B) ~~Except as provided in Section 141.0420(d), *wireless communication facilities* in Commercial Zones.~~
- (1) In commercial and industrial zones on a *premises* that does not contain residential *development*;
- (2) For ~~Collocation~~ collocation of *wireless communication facilities* to in any zone on existing monopoles that does not increase the area occupied by the *antennas* by more than 100 percent of the originally approved *wireless communication facilities* and does not increase the area occupied by an outdoor equipment enclosure more than 150 square feet beyond the originally approved *wireless communication facilities*;
- (23) ~~Wireless communication facilities in~~ In the public right-of-way within or adjacent to City owned property, dedicated in perpetuity, for park or recreation purposes, may be permitted with a Neighborhood Use Permit provided that the *wireless communication facility* is a small cell *wireless communication facility* as defined in Section 141.0420(a)(3)(A) below.
 - (A) A small cell *wireless communication facility* is a *wireless communication facility* on or concealed within a streetlight pole with a cobra arm mounted working luminaire that meets the following requirements:
 - (i) The *wireless communication facility* is attached to an existing, replacement, or new streetlight pole that is standard for the proposed location and complies with the applicable guidelines in the Land Development Manual; the *antennas* and associated equipment do not exceed a total of 15 cubic feet, and no part of the *wireless communication facility* extends more than 24 inches from the streetlight pole in any direction; except that if the *antenna* is top-mounted, the *antenna* or any material concealing the *antenna* may extend vertically up to 48 inches above the highest point of the cobra arm.
 - (ii) The *wireless communication facility* includes a new streetlight pole, within which all of the associated equipment is completely concealed, that is consistent with the streetlight poles located within the same block, or if there are no streetlight poles in the same block, the blocks adjacent to the proposed location; that complies with the applicable

- guidelines in the Land Development Manual; that has a diameter that does not exceed 18 inches at any point; and that does not include any visible antennas that exceed 24 inches in any dimension.
- (B) A wireless communication facility that includes any ground-mounted equipment other than the pole to which the equipment is attached or is concealed within is not a small cell wireless communication facility.
- (4) An eligible facilities request, the approval of which is required by 47 U.S.C. § 1455 (2018), as may be amended, is permitted as a limited use in any zone, notwithstanding any other provision of the San Diego Municipal Code, subject to the following:
- (A) For the purposes of Section 141.0420(a)(4), italicized terms have the same meaning as in 47 C.F.R. § 1.6100(b) (2019), as may be amended.
- (B) Failure to assert in writing at the time an application is filed that the application is an eligible facilities request shall result in the application being processed pursuant to the regulations that would otherwise be applicable in the absence of 47 U.S.C. § 1455 (2018).
- (C) An application for modification of an eligible support structure that involves the installation of more than four additional equipment cabinets shall not be considered a substantial change to the physical dimensions of the eligible support structure, provided that all of the equipment cabinets are completely concealed within the eligible support structure, and there is no change to the physical dimensions of the eligible support structure itself.
- (db) Neighborhood Use Permit Regulations
Wireless communication facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, as follows:
- (1) Wireless-communication facilities In commercial or industrial zones on a premises premises containing residential or mixed-uses in a Commercial or Industrial Zone development.;
- (2) Wireless-communication facilities on premises containing a non-residential use within a Residential zone where the With antennas associated with the wireless commun-ication facility are located- more than at least 100 feet from the property line-property line of the following primary uses: day care, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points a premises with a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 8 where located:
- (A) in an agricultural zone;
- (B) on dedicated parkland subject to San Diego Charter section 55, except in an open space zone; or

- (C) in a residential zone on a premises that does not contain residential development;
- (3) ~~Wireless communication facilities in Agricultural Zones where the antennas associated with the wireless communication facility are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points. In the public right-of-way when the wireless communication facilities are not small cell wireless communication facilities, provided that the wireless communication facility does not include any ground-mounted equipment other than a pole to which the wireless communication facility is attached or is concealed within.~~
- (4) ~~Wireless communication facilities proposed in dedicated parkland where the antennas associated with the wireless communication facility are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.~~
- (ec) Conditional Use Permit Regulations (Process Three)
Wireless communication facilities may be permitted with a Conditional Use Permit as follows:
 - (1) ~~Wireless communication facilities on premises containing a non-residential use within a Residential Zone. Decided in accordance with Process Three, where the development meets the following locational criteria:~~
 - (A) Wireless communication facilities with antennas located less than 100 feet from the property line of a premises with a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 8 where located:
 - (i) in a residential zone on a premises that does not contain residential development; or
 - (ii) in an agricultural zone.
 - (B) In the public right-of-way with ground-mounted equipment other than a pole to which the wireless communication facilities are attached.
 - (2) ~~Wireless communication facilities in Agricultural Zones. Decided in accordance with Process Four, where the development meets the following locational criteria:~~
 - (3) ~~Wireless communication facilities, with above ground equipment, in the public right-of-way.~~
- (f) Conditional Use Permit Regulations (Process Four)
 - (1A) ~~Except as provided in Section 141.0420(d)(4), wireless communication facilities proposed in~~ On dedicated parkland subject to San Diego Charter section 55 in any

- zone, except on public right-of-way within dedicated parkland, with antennas located less than 100 feet from the property line of a premises with a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 8.
- (2B) ~~Except as provided in Sections 141.0420(d)(2) and 141.0420(e)(1), wireless communication facilities proposed in Residential Zones~~ In a residential zone on a premises that contains residential development.
- (3C) ~~Wireless communication facilities proposed in Open Space Zones~~ In an open space zone.
- (d) General Regulations for *Wireless Communication Facilities*
- (1) Every application shall include documentation satisfactory to the City Manager, as follows:
- (A) Demonstrating that the *wireless communication facility* complies with federal standards for radio frequency radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies.
- (B) Identifying the location type, capacity, field strength or power density, and calculated geographic service of the *wireless communication facility*.
- (2) Within the Coastal Overlay Zone, the Coastal Development Permit regulations in Chapter 12, Article 6, Division 7, shall also apply.
- (3) *Wireless communication facilities* located within or adjacent to the City's Multi-Habitat Planning Areas shall comply with the Multiple Species Conservation Program Subarea Plan's Land Use Adjacency Guidelines.
- (4) *Wireless communication facilities* located in a designated *historical district* or in a *historical district* identified in a historical resources survey prepared by the City, or on a *premises* with a *historical resource* on it, must comply with the Historical Resource Regulations and the U.S. Secretary of Interior Standards and Guidelines.
- (5) At least 60 days prior to an *applicant* asserting that an application for a *wireless communication facility* is deemed approved pursuant to California Government Code section 65964.1, the *applicant* shall provide public notice as follows:
- (A) The notice shall be mailed to all persons described in Section 112.0302(b) and to the City Manager.
- (B) The notice shall be posted in the manner prescribed by Section 112.0304.
- (C) The notice shall include all of the information as prescribed in Section 112.0301(a)(1)(A) through (D), and the following:

- (i) The name, address, and telephone number of the applicant; and
 - (ii) The following statement: “This application may be deemed approved, with no public hearing, no earlier than 60 days after this notice has been mailed and posted as required.”
- (6) The applicant shall obtain all necessary construction permits to comply with applicable building, fire, mechanical, and plumbing codes, and state and federal disability access laws.
- (7) The permittee shall provide documentation to verify that a wireless communication facility is operating in compliance with federal standards for radio frequency radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies within 30 calendar days of a receipt of a written request for such documentation from the City Manager.
- (8) The wireless communication facilities shall be maintained in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The permittee or owner shall repair or replace damaged equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (9) The permittee or owner shall remove the wireless communication facilities from the premises and restore the premises to the condition preceding the construction and installation of the wireless communication facility, at the owner’s or permittee’s sole cost and expense, if any of the following circumstances exists:
 - (A) The permit authorizing the wireless communication facility is expired and a new permit has not been obtained.
 - (B) If no permit was granted, it has been ten years from the date that the wireless communication facility was authorized by federal or state law and no new permit or legal authorization has been obtained.
 - (C) The City Manager determines that the wireless communication facility or components of the wireless communication facility are non-operational or no longer used.
- (10) Prior to January 31 of every year, each wireless communication facility provider shall submit documentation, satisfactory to the City Manager, identifying the location of each wireless communication facility in its City of San Diego network organized by community plan area. The documentation shall include wireless communication facilities that are approved, but not yet built, wireless communication facilities that are currently operating, and non-operating wireless communication facilities.
- (ge) Design Requirements
The following regulations apply to all wireless communication facilities:

- (1) *Wireless communication facilities* shall utilize the smallest, least visually intrusive *antennas*, components, and other necessary equipment.
- (2) The ~~applicant~~ *applicant* shall use all reasonable means to conceal or minimize the visual impacts of the *wireless communication facilities* through integration and installation on existing structures. Integration with existing *structures* or among other existing uses shall be accomplished through the use of architecture, landscape, and siting solutions.
- (3) The Equipment associated with wireless communication facility's facilities ~~equipment~~ shall be located within an existing ~~building-environment~~ *building envelope*, whenever possible. If a an new equipment enclosure is necessary, it shall be of a height minimally necessary to ~~accommodate conceal~~ the equipment, with an area not to exceed 250 square feet, unless a ~~Process Two~~ Neighborhood Development Permit is granted in accordance with Section 126.0402.
- (4) Overhead wires ~~connecting the antennas to the equipment~~ are not permitted.
- (5) Equipment located on the roof of an existing *structure* shall be set back or located to minimize visibility, especially from the *public right-of-way* or public places.
- (6) Faux landscaping may be used on *premises* where natural vegetation similar in size and species exists ~~or where landscaping similar in size and species is proposed as part of the development~~. The *applicant* shall provide sufficient samples, models, or other means to demonstrate the quality, appearance, and durability of the faux vegetation.
- (7) If trees with a trunk width of 4 inches or more (measured by caliper, 4 feet above grade) are removed or significantly trimmed for the ~~instillation~~ *installation* or operation of the *wireless communication facility*, then replacement trees of a similar size shall be planted to the satisfaction of the City Manager.
- (8) ~~Panel antennas~~ *Antennas* shall be mounted no more than 12 inches away from a ~~building façade~~ and shall comply with the following design requirements: appear as an integral part of the building, except as set forth in Section 141.0420(h). ~~Panel antennas may be mounted up to 18 inches away from a building façade when the applicant provides evidence demonstrating that the wireless communication facility cannot operate without incorporating a tilt greater than 12 inches. Each panel antenna shall fit into the design of an existing façade and shall be no longer nor wider than the portion of the façade upon which it is mounted. The antennas shall not interrupt the architectural lines of the façade. Associated mounting brackets and coaxial cable shall be concealed from view. Any pipes or similar apparatus used to attach panel antennas to a~~

~~building façade shall not extend beyond the length or width of the panel antenna. No exposed mounting apparatus shall remain on a building façade without the associated antennas.~~

- (A) Each antenna, including any concealment measures, shall appear as an integral part of the structure, except for public right-of-way site installations as set forth in Section 141.0420(f);
- (B) No portion of an antenna, including any concealment measures, shall be more than 12 inches away from the structure, unless the applicant provides evidence demonstrating to the satisfaction of the City Manager that the wireless communication facilities cannot operate without exceeding 12 inches, in which case no portion of the antenna shall be more than 18 inches away from the structure.
- (C) Each antenna, including any concealment measures, shall fit into the design of the structure, shall be no longer or wider than the portion of the structure upon which it is mounted, and shall not interrupt the architectural lines of the structure.
- (D) Associated mounting brackets and coaxial cable shall be concealed from view.
- (E) Any pipes or similar apparatus used to attach antennas, including any concealment measures, to the structure shall not extend beyond the length or width of the antenna.
- (9) Vertical elements, designed as flagpoles or light standards, shall replicate the design, diameter, and proportion of the vertical element they are intending to imitate. Flagpoles shall maintain a tapered design.
- (10) Use of or replacement of any building facade or mechanical screen with fiberglass reinforced panels or similar industry standard material for purposes of concealing antennas shall not result in any noticeable lines or edges in the transition to the original structure. All screening material shall be painted and textured to match the original structure.
- (11) All equipment, including transformers, emergency generators, and air conditioners, shall be designed and operated consistent with the Noise Ordinance in Chapter 5, Article 9.5 of the Municipal Code. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.
- (hf) *Public Right-of-Way Installations*
Wireless communication facilities may be installed in the public right-of-way in the area between the face of the curb and the adjacent property line parkway. Wireless communication facilities located in the public right-of-way are subject to Chapter 6, Article 2, all other applicable requirements

of the Municipal Code and the following regulations additional design requirements:

- (1) ~~All equipment associated with *wireless communication facilities* shall be undergrounded, except for small service connection boxes or as permitted in Section 141.0420(e)(3).~~
- (21) ~~Panel *antennas*~~Antennas associated with *wireless communication facilities*, other than those allowed pursuant to Section 141.0420(a)(3), shall be vertically mounted to the pole in compliance with any applicable separation requirements and shall not exceed 6 inches in distance from the pole.
- (32) No more than four panel *antennas* or two omni-directional *antennas* shall be mounted on any utility pole by any one *wireless communication facilities* provider.
- (43) *Antennas* shall be painted to match the color of the surface of the pole on which they are attached.
- (ig) Park Site Installations
In addition to the design guidelines set forth in Section 141.0420(g), the The following additional design requirements apply to *wireless communication facilities* in city parks within the City of San Diego:
 - (1) Where practicable, *antennas* shall be mounted on sports field light poles, security light poles, or inside foul line poles or flagpoles. *Antennas* shall not be mounted above the light source on any light poles. All *antennas* on flagpoles or foul line poles shall be concealed within the pole.
 - (2) If the proposed *wireless communication facility* would be located on ~~city-owned property that has been formally dedicated in perpetuity by ordinance for park, recreation, or cemetery purposes,~~ dedicated parkland subject to San Diego Charter section 55, equipment enclosures shall be placed underground unless the Park Parks and Recreation Department Director determines that an above-ground equipment enclosure would not violate Charter section 55, and a ~~Process Two~~ Neighborhood Development Permit is granted in accordance with Section 126.0402.

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
 - (1) through (10) [No change in text.]
 - (11) *Wireless communications facilities* regulations contained in Land Development Code section 141.0420.

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

**Table 155-02C
Use Regulations Table for CU Zones**

Use Categories/ Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories [No change in text.]		[No change in text.]									
Communication Antennas:											
Minor Telecommunication Facility		L		L			L				
Major Telecommunication Facility		C		C			C				
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through Solar Energy Systems [No change in text.]		[No change in text.]									
Wireless Communication Facilities		See Section 141.0420									
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C [No change in text.]

§156.0308 Base District Use Regulations
(a) through (b) [No change in text.]

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
	LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay														
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Institutional, Separately Regulated Institutional Uses, Assembly Uses, including Places of Religious Assembly [No change in text.]	[No change in text.]														
Communication- Antennas															
Minor- Telecommunication Facility	L	L	L	L	L	L	N	L	L	L	L	E	L	§141.0420	
Major- Telecommunication Facility	E	E	E	E	E	E	E	E	E	E	L	E	E	§141.0420	
Satellite Antennas <i>Antennas</i>	[No change in text.]														
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through <i>Social Service Institutions</i> [No change in text.]	[No change in text.]														
<i>Wireless Communication Facilities</i>	See Section 141.0420														
Retail Sales through Other Use Requirements, Temporary Uses and <i>Structures</i> [No change in text.]	[No change in text.]														

Footnotes for Table 156-0308-A [No change in text.]

MDA:dkr:nja
09/12/16
04/25/19
07/11/19 Cor. Copy
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Doc. No.: 2043963_2